

Jury Verdict Slip

No. 1- Discrimination

1. Do you find that Plaintiff proved by a preponderance of the evidence that Mars terminated her because of her gender.

Yes _____ No _____

If your answer to the above question is Yes, go on to the next question.

If your answer to the above question is No, you need not proceed further on this claim, but should find for Defendant on this claim.

2. Do you find that defendant terminated plaintiff solely on account of her performance and willingness to consider a transition package.

Yes _____ No _____

If your answer to the above question is no, go on to the next question.

If your answer to the above question is yes you need not proceed further on this claim, but should find for Defendant.

3. Do you find by a preponderance of the evidence, that Plaintiff has proved that Mar's legitimate business reason was not the true reason for her termination and a pretext for discrimination?

Yes _____ No _____

If your answer to the above question is Yes, proceed to the issue of damages.

If your answer to the above question is No, you need not proceed further on this claim, but should find for Defendant.

No. 2- Retaliation

1. Do you find that Plaintiff proved by a preponderance of the evidence that she engaged in protected activity before she left the employ of Mars, that is that she complained about sex discrimination that she reasonably believed was unlawful under the NJ Law Against Discrimination?

Yes _____ No _____

If your answer to the above question is Yes, go on to the next question.

If your answer to the above question is No, you need not proceed further on this claim, but should find for Defendant.

2. Do you find that Plaintiff proved by a preponderance of the evidence that she was separated from Mars because she complained about gender discrimination that she reasonably believed was unlawful under the NJ Law Against Discrimination?

Yes _____ No _____

If your answer to the above question is Yes, go on to the next question.

If your answer to the above question is No, you need not proceed further on this claim, but should find for Defendant.

3. Do you find that Mars articulated a legitimate business reason for its decision to let Plaintiff go and that retaliation did not play a part in that decision?

Yes _____ No _____

If your answer to the above question is Yes, go on to the next question.

If your answer to the above question is No, you need not proceed further, but should find for Plaintiff.

4. Do you find by a preponderance of the evidence, that Plaintiff has proved that Mars' legitimate business reason was false and a pretext for discrimination?

Yes _____ No _____

If your answer to the above question is Yes, proceed to the issue of damages.

If your answer to the above question is No, stop at this point and find for Mars.

No. 3- Damages

1. If you have found for Plaintiff on any of the claims, you must consider the following classes of damages:
 - a. back wages. If you find that plaintiff should have been paid as a 6A employee rather than a 6B, you must award damages for lost wages in the amount of \$180,000 per year plus 15% for lost benefits from May 8, 2007 to the present time. This amount equals

- _____.
- b. Front Pay. If you find that plaintiff's inability to obtain similar work will extend into the future, you must award damages for lost wages in the amount of \$180,000 per year plus 15% for benefits from today to a date in the future when you believe her damages will cease.

\$_____

- c. Emotional Distress. If you find that defendant caused plaintiff emotional distress by illegally terminating her employment, you may award emotional distress damages. Emotional distress damages are awarded in the amount of

\$_____

If you have not found for Plaintiff on any count, ignore this question. If you answered this question, proceed to the next question.

2. If you found for Plaintiff, did you find by a preponderance of the evidence that Plaintiff failed to mitigate her damages.

Yes _____ No _____

3. If your answer to the above question is Yes, you must reduce the award of damages by the amount Plaintiff could have obtained if she had mitigated her damages by accepting similar employment that was reasonably available to her. By what amount should Plaintiff's damages be reduced?

\$_____

If you have not found for Plaintiff on any count, ignore this question.